

TOWN OF WESTFORD
ZONING BOARD OF APPEALS
MINUTES

DATE: Monday, May 5, 2003

TIME: 8:36 A.M.

PLACE: Bob's Auto Service, Route 110, Westford

PRESENT: Sam Frank, Ron Johnson, Dave Earl, Bob Herrmann

ABSENT: Jay Enis, Roger Hall, Jim Kazeniac

OTHERS

PRESENT: Tim Greenhill, Town Planner

KINDERCARE LEARNING CENTERS, INC.

To discuss status of Kindercare case and to take appropriate action

Frank reported that the second request for a stay from the Land Court order to have the building permit issued was denied. Upon consultation with Town Counsel, Gary Brackett, the Zoning Board of Appeals must vote to overturn the decision of the Building Inspector not to issue a building permit and direct the Building Inspector to issue the building permit promptly. Frank stated that the plaintiffs have requested that the Zoning Board of Appeals do so by the close of business today to avoid further legal action. Frank stated that the appeal filed in Appeals Court to reverse the decision of the Land Court judge is going forward.

It was moved by Johnson, seconded by Herrmann, and VOTED 4 IN FAVOR (Frank, Johnson, Earl, Herrmann) WITH 3 ABSENT (Enis, Hall, Kazeniac), that in view of the ruling of the Land Court and the inability to get stays on that ruling the Board of Appeals overturns the Building Commissioner's decision not to issue a building permit to Kindercare and hereby orders him to do so by close of business today.

The Board recommended meeting with the Selectmen as soon as possible to discuss the case filed in Appeals Court. Frank stated that he would speak to the Chairman of the Board of Selectmen and the Town Manager.

CHAPTER 40B and LIP PROJECTS

Frank reported that at their last meeting the Board of Selectmen voted to give their approval of the proposed LIP project on Groton Road (Rancho De Amigos site). Greenhill reported that there have been no preliminary discussions or presentations made to the various town departments regarding this project as yet. Frank to poll the Board of Appeals at the next meeting regarding desired density for 40B projects. Greenhill to schedule a meeting with the Selectmen and the Affordable Housing Committee for a general discussion regarding Chapter 40B projects. Greenhill to ask the Selectmen and Affordable Housing Committee for input regarding the desirable densities on the three Chapter 40B projects currently before the town and any other guidance or suggestions that they might have. Earl asked that Staff start numbering documentation that is presented to the Board to keep the review running smoothly.

ADJOURNMENT

It was moved by Hermann, seconded by Johnson, and VOTED 4 IN FAVOR WITH 3 ABSENT (Enis, Hall, Kazeniac), to adjourn the meeting at 9:02 a.m.

Submitted by Beth Kinney, Recording Secretary